

REMARKS

The Examiner is thanked for the thorough examination of the present application. The FINAL Office Action, however, continued to reject all claims 1-33. In response, Applicant submits the foregoing amendments and the following remarks. Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the following reasons.

Response to Rejections under 35 U.S.C. 103 (part I)

Claims 1-7, 9-15, and 17-23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaneko et al. (2001/0020230) in view of Ham (7370005). Applicant respectfully requests reconsideration and withdrawal of these rejections.

In order for a claim to be properly rejected under 35 U.S.C. §103(a), the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art.

Among these rejected claims, claims 1, 9 and 17 are independent claims. Claims 9 and 17 are rejected on the same basis as claim 1. Therefore, remarks are provided regarding to patentability of the independent claim 1.

The Office Action (pages 4-5) states that the ‘abstract (of Ham) discusses classifying demand data into three groups’, and therefore concludes that ‘Ham teaches inventory replication based upon order fulfillment rates with the features of classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto and the classified demand data having different priorities’.

Applicant respectfully disagrees. First, Applicant notes that the statement ‘abstract (of Ham) discusses classifying demand data into three groups’ lacks of support and cannot be obtained from Ham’s abstract. According to Ham (abstract), inventory items are segregated into various inventory types based upon how frequently they are ordered in a distribution center. In other words, according to Ham, the subjects that are classified are ‘inventory items’. To one of ordinary skill in the art, the ‘inventory items’ in Ham’s teachings are supplies, rather than demands. Consequently, the statement ‘abstract (of Ham) discusses classifying demand data into three groups’ lacks of support and cannot be obtained from Ham’s abstract.

In addition, the conclusion that ‘Ham teaches inventory replication based upon order fulfillment rates with the features of classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto and the classified demand data having different priorities’ cannot properly be drawn from Han’s teachings.

According to Ham (abstract), inventory items are segregated into various inventory types based upon how frequently they are ordered in a distribution center. The inventory segregation of Ham does not disclose the features of *classifying the rematched demand data*.

The Office Action (page 5) states that the feature of “performing a second matching operation to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply

matching result” is taught in col. 9, lines 15-25 of Ham. Applicant respectfully disagrees.

According to Ham (col. 9, lines 15-25), an ‘order allocation’ process is disclosed. The order allocation process of Ham ‘involves matching an order with particular inventory’. Ham does not indicate that this order allocation is a “second matching operation to match the classified demand data with the rematched supply data”. Furthermore, based on Ham’s teachings, it seems that this order allocation process is performed only for one time, and no second matching operation is performed.

In addition, since Ham does not classify demands (i.e., orders in Ham’s teachings), Ham fails to teach the priorities of the classified demand data, and, of course, fails to teach performing the second matching operation based on the priorities of the classified demand data.

Conclusion

The Office Action admits that Kaneko fails to teach the features of “classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities; and performing a second matching operation to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.” In addition, as discussed above, Ham does not teach the features of the classifying step and the second matching operation.

For these reasons, teachings of Kaneko and Ham do not suggest all features of the claim 1 to one of ordinary skill in the art. Accordingly, the rejection of claim 1 should be withdrawn. On the same basis as claim 1, rejections of Claims 9 and 17 should be withdrawn.

Claim 1 serves as the base claim for claims 2-7, which patently defines over the cited art, and the teachings of claims 2-7 cannot be obtained by the teachings of the cited arts, and the rejections of claims 2-7 should be withdrawn. Claim 9 serves as the base claim for claims 10-15, which patently defines over the cited art, and the teachings of claims 10-15 cannot be obtained by the teachings of the cited arts, and the rejections of claims 10-15 should be withdrawn. Claim 17 serves as the base claim for claims 18-23, which patently defines over the cited art, and the teachings of claims 18-23 cannot be obtained by the teachings of the cited arts, and the rejections of claims 18-23 should be withdrawn.

Response to Rejections under 35 U.S.C. 103 (part II)

Claims 8, 16, 24, and 25-32 and 33 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaneko et al (2001/0020230) and Ham (7370005), further in view of Menninger et al. (6954736).

Claim 1 serves as the base claim for claim 8, which patently defines over the cited art, and the teachings of claim 8 cannot be obtained by the teachings of the cited arts, and the rejections of claim 8 should be withdrawn.

Claim 9 serves as the base claim for claim 16, which patently defines over the cited art, and the teachings of claim 16 cannot be obtained by the teachings of the cited arts, and the rejections of claim 16 should be withdrawn.

Claim 17 serves as the base claim for claim 24, which patently defines over the cited art, and the teachings of claim 24 cannot be obtained by the teachings of the cited arts, and the rejections of claim 24 should be withdrawn.

Among the other rejected claims, claim 25 is independent. Therefore, remarks are provided regarding to patentability of the independent claim 25 and claims depended thereto, respectively.

The Office Action (page 12) states that Kaneko and Ham teach the allocation planning module of claim 25, and that Menninger teaches the capacity model and the capacity management module of claim 25.

More specifically, the Office Action states that the ‘leading to predictive supply chain decisions’ (Menninger, col. 17, lines 50-53) is construed as the route information for the product. According to claim 25, the route information records a plurality of tools.

On the contrary, according to Menninger, a mechanism for order confirmation in a supply chain management framework is provided, one of ordinary skill in the art can know, from the context, the ‘predictive supply chain decisions’ have nothing to do with the “tools” of claim 25. Therefore, the ‘predictive supply chain decisions’ do not disclose the “route information” which records a plurality of tools.

Applicant notes that, to one of ordinary skill in the art, neither ‘leading to predictive supply chain decisions’ (Menninger, col. 17, lines 50-53) nor ‘a first set of data collected from a plurality of stores of the supply chain utilizing a network

(Menninger, col. 17, 58-60) has anything to do with the “capacity model having route information for the product, wherein the route information records a plurality of tools” of claim 25.

The Office Action states that Menninger teaches the “capacity management module” of claim 25 in col. 129, lines 29-31 and col. 17, lines 60-67. According to the cited paragraphs, a second set of data is compared against the forecasting in operation 1136, wherein the second set of data relates to the amount of goods sold by the stores.

To one of ordinary skill in the art, ‘comparing the amount of goods sold by the stores against a forecasting’ has nothing to do with “reserving production capacity of the factory facilities according to the demand data and the route information” of claim 25.

In addition, since the Menninger does not disclose the route information which records a plurality of tools, Menninger fails to disclose “reserving production capacity of the factory facilities according to the demand data and the route information”.

For at least this reason, teachings of Kaneko, Ham and Menninger do not suggest all features of the claim 25 to one of ordinary skill in the art. Accordingly, the rejection of claim 25 should be withdrawn.

Claim 25 serves as the base claim for claims 26-33, which patently defines over the cited art, and the teachings of claims 26-33 cannot be obtained by the teachings of the cited arts, and the rejections of claims 26-33 should be withdrawn.

CONCLUSION

In light of the above remarks having been addressed, it is therefore respectfully requested that claims 1-33 be allowed so that the entire case may be passed to early

issuance. If there are any remaining issues to be resolved, Applicants request that Examiner contacts the undersigned attorney for a telephone interview.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

/Daniel R. McClure/

Daniel R. McClure
Registration No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
Suite 1500
600 Galleria Parkway S.E.
Atlanta, Georgia 30339
(770) 933-9500